Supreme Court, U.S.
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91 (1)

No.

In The
Supreme Court of the United States

CYRUS Y. KIM,
Petitioner,

VS.

DEPARTMENT OF LICENSING OF WASHINGTON STATE,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUT

PETITION FOR A WRIT OF CERTIORARI

Cyrus Y. Kim Pro Se
1807 S. 308th CT 11
Federal Way, WA 98003
(253) 946-1834

QUESTIONS PRESENTED FOR REVIEW

1. Can a state agency suspend a U.S. citizen's driving privilege three times for nine years for the unpaid money of $5,487 an insurance company paid its client? And aren't those suspensions cruel and unusual punishment?

2. Don't U.S. Courts have the jurisdiction and authority to review of the constitutionality of state acts, which are still in effect, and of two state statutes that authorize the state acts under the Constitution?

3. Can a U.S. district court judge deny filing a new complaint to challenge the constitutionality of state acts and statutes, the right to petition the Government for a redress of grievances, when the grievances, the actual substantial hardships caused by state acts are still in effect?

4. Can U.S. Appeals Court judges deny filing the new complaint by applying res judicata to this case on the basis of dismissed previous cases that had no valid and final judgments and can they violate Federal Rule 41(b)?

A LIST OF ALL PARTIES

NAME	ADDRESS
Petitioner: Cyrus Y. Kim	1807 S. 308th CT. #11 Federal Way, WA 98003
Respondents: Department of Licensing Of Washington State	125 Washington Street P.O. BOX 9020 Olympia, WA 98507-9020
Toni M. Hood Attorney for the department of licensing of Washington State Attorney General of Washington State Licensing & Administrative Law Division	125 Washington Street P.O. Box 40110 Olympia, WA 98504 - 0110

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I. OPINIONS BELOW

Order denied the motion for reconsideration U.S. Appeals Court judges rendered on March 25, 2008 is reprinted at App. p. A-1.

Order granted on the basis of res judicata U.S. Ninth Circuit judges rendered on December 26, 2007 is reprinted at App. p. A-1.

Order denied filing a new complaint U.S. District Court judge rendered on August 6, 2007 is reprinted at App. p. A-2.

II. JURISDICTION

Jurisdiction is conferred upon the Courts by 28 U.S.C. §1331.

The date judges of U.S. Court of Appeals denied the motion for reconsideration was on March 25, 2008.

This petition for a writ of certiorari is timely because petitioner filed within (25 days) less than 90 days from March 25, 2008.

III. FACTS AND ARGUMENT

A. Challenging of Constitutionality of State Actions and Statutes

1. Three times' suspensions of driving privilege on money matter of $5,487 for nine years inflict hardships on Kim's livelihood.

Washington State Department of licensing ("the department") suspended petitioner Kim's driver's

license on June 4, 1999 in order to urge to pay the unpaid money of $5,487.00 an insurance company paid to its client, which was involved in a car accident (APP p. A-4); on February 9, 2001 suspended second time (APP p. A-7); on February 10, 2005 suspended the third time (APP p. A-8) by the two statutes, Mandatory Liability Insurance ("MLI") and Financial Responsibility ("FR").

The department ordered as, "do not drive until we notify that your driving privilege has been reinstated," and never notified Kim's driving privilege has been reinstated. Thus, the suspensions are **still in effect, for nine years by RCW 46.29.280,** "Suspension continues until proof furnished..."

Kim had two cars at time of the car accident. Kim had motor vehicle insurance for one car, but not for another car, which car was involved in a car accident on the unpaved road where six-foot tall forsythia bushes jutted out three feet into the road, thus could not see from the oncoming car left hand side. Each driver must have motor vehicle insurance for each car by RCW 46.30.030(1), which makes more profit to insurance companies as, "...At the policyholder's request, the insurer shall provide a card for each vehicle covered under the policy."

The hardships are the painful daily living life for livelihood, such as shopping foods and family member's going to hospitals, because going to hospitals for one way trip by two buses take at least one hour, even though it is a seven-minute driving distance, and one incident going to a job interview for one way trip by five buses took three hours, so round trip took six hours for one job-interview, even though it was a fifty-minute driving distance, and

imposed severe economic difficulties for nine years, because the suspensions blocked working and running business and even the chance of paying the unpaid money.

Petitioner Kim filed a complaint challenging or demanding to review the constitutionality of state acts and two state statutes that authorize state acts without any monetary claim. U.S. district court judge Robart denied filing this complaint. Appeals Court three judges granted the appellee's motion to dismiss on the basis of res judicata and denied the motion for reconsideration.

2. Violation of Article IV, section 2[1] and Fourteenth and Eighth Amendment, Article I, section 10[1], and commerce clause.

Article IV, section 2[1] reads, " The citizen of each state shall be entitled to all privileges and immunities of citizens in the several states." And Fourteenth Amendment reads, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of United States..."

Thus, the department's three times' suspensions of Kim's driving privilege for nine years on the money matter of $5,487 for the purpose giving business preference to insurance companies, which is barred by Article I, Section 9[6], "No preference shall be given by any Regulation of Commerce...", violate Article IV, section 2[1] and Fourteenth Amendment and Article I, Section 9[6], and equal protection clause, because three states, Florida, New Hampshire, and Wisconsin, do not have MLI and FR,

hence, MLI and FR place undue burden, inflicting traffic infraction ticket that cost $500 in Washington State, to the drivers coming from the three states to earn livelihood.

The department suspended three times, by intentionally violating RCW 46.29.140(4), "...Such suspension shall remain in effect...", 46.29.170, "...any order of suspension by the department under this chapter shall remain in effect and no license shall be renewed...", and 46.29.280, "Suspension continues until proof furnished..." Thus, the department inflicted not only hardships on Kim, who is a U.S. citizen from March 5, 1992 (no. 20243806), but also cruel and unusual punishments, which is barred by Eighth Amendment. The MLI and FR make more profit to insurance companies and rather cause the more court battle for the medical expenses far exceeded the statutory liability limit, because most drivers purchase the minimum liability insurance in order to avoid the traffic infraction ticket and fine by RCW 46.30.020 (1)(d), "Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties... or community service", but MLI and FR do not resolve any medical expenses far exceeded the statutory limit, and thus, MLI and FR violate Article I, section 10[1], "*No state shall... pass any...law impairing the obligation of contracts...*"

Similar laws, which 47 states are enforcing with inconsistent or different amount of minimum liability for the insurance company, also place undue burden the drivers coming from the three states, Florida, New Hampshire, and Wisconsin to earn livelihood and violate equal protection clause and commerce clause, Article I, section 9[6], "*No*

preference shall be given by any regulation of commerce...", for the preference to the insurance companies. And the two state statutes, MLI and FR, which give preference to insurance companies for more profit, but not resolve the problems of medical expenses far exceeded the statutory liability limit, unequally place an undue burden on the ten percent of nationwide drivers, most are low-income drivers and students, who are driving without motor vehicle insurance. In the situation that only civil courts can award the far exceeded medical expense, it becomes clearer that MLI and FR exist only for insurance company business.

3. Unconstitutional provisions of two statutes authorizing the state acts for the purpose of insurance business.

MLI (RCW 46.30) and FR (RCW 46.29) give business preference to insurance companies, which is barred by Article I, Section 9[6], "*No preference shall be given by any regulation of commerce...*" and violates equal protection clause as follows:

a. MLI authorizes the department to ticket traffic infraction to the driver who failed to provide proof of motor vehicle insurance and to inflict penalty or community service without due process as:

> RCW 46.30.020(d): Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community service.

Thus, MLI compels the drivers to have motor vehicle insurance in favor of each insurance company (RCW

46.29.090(1)), which impairs the obligation of contracts, which is barred by Article I, section 10[1], "*No state shall... pass any...law impairing the obligation of contracts...*"

> 46.29.090(1): No policy or bond is effective under RCW 46.29.080 (see infra c.) unless issued by an insurance company or surety company authorized to do business in this state...

b. FR requires the driver and owner to deposit security when in any manner involved in a car accident; and for the failure to deposit security, which is the money an insurance company paid to its client, FR authorizes the department to suspend the driver's license of the driver or owner (RCW 46.29.110).

> 46.29.110: If a person required to deposit security under this chapter fails to deposit such security within sixty days after the department has sent the notice as hereinbefore provided, the department shall thereupon suspend: (1)...(2)...(3)...

c. FR does not apply the suspension to the drivers who has motor vehicle insurance regardless of liability amount at the time of the accident by RCW 46.29.080(1) and exempts the owner or driver of some vehicles by (9). Which causes unequal results and violates equal protection clause. For example, Kim's mother was hit by a car on the crosswalk on November 20, 2002, and the medical expenses reached more than $400,000, and she is still suffering irregular heartbeat for five years from the car accident. The driver had $100,000 liability

insurance. The driver could not pay more than $300,000, but the department could not suspend the driver's license of the driver by RCW 46.29.080(1), while the department suspended three times for nine years for the unpaid money of $5,487. U.S. government, DHSH, paid all the remained medical expenses for Kim's mother resulted from the car accident that the driver who had motor vehicle insurance caused. Thus, MLI and FR are insurance business laws for insurance companies, but they cannot resolve the problem of medical expenses caused by car accidents.

> 46.29.080: The requirements as to security and suspension in this chapter shall not apply: (1) To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident...
> (9) To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, this state or any political subdivision of this state or a municipality thereof, or to the driver of such vehicle if operating such vehicle with permission; or...

Hence, the provision of 46.29.080 violates equal protection clause for insurance company business.

d. Such suspensions remain in effect until paid in full (46.29.140(4), 46.29.170, and 46.29.280). Thus, the suspension could be a lifetime, if unpaid. Moreover, 46.29.280 requires automobile insurance **for the future** as:

46.29.140(4): Such suspension shall remain in effect and such license shall not be restored unless and until: (a) Security is deposited as required...(b) ...the person in default has paid the balance of the agreed amount, (c) ...the person in default has resumed installment payment...

46.29.170: ...any order of suspension by the department under this chapter shall remain in effect and no license shall be renewed for or issued to any person whose license is so suspended until: (1) Such person shall deposit or there shall be deposited on his behalf the security required...

46.29.280 Suspension continues until proof furnished. Whenever, under any law of this state, the license of any person is suspended or revoked by reason of ...or finding that a traffic infraction has been committed, the suspension or revocation hereinbefore required shall remain in effect and the department shall not issue to such person any new or renewal of license... until such person shall give and thereafter maintain proof of financial responsibility **for the future. Upon receiving notice of the termination or cancellation of proof of financial responsibility for the future, the department shall re-suspend or re-revoke the person's driving privilege until the person again gives and thereafter maintains proof of financial responsibility for the future.**

Thus, the above provisions are completely the provisions for insurance company business.

e. FR authorizes imprisonment, fine, no vehicle license plate, no certificate of ownership or no registration for motor vehicle, and no vehicle license **for the purpose of insurance business** by 46.29.605 (4), (5), and (6), which violate Fourteenth Amendment:

> 46.29.605 (4): Failure to surrender license plates...punishable by imprisonment for not less than one day nor more than five days and by a fine of not less than fifty dollars nor more than two hundred dollars. (5): No vehicle license plates or certificate of ownership or registration for a motor vehicle may be issued and no vehicle license may be renewed during the time the registration of the motor vehicle is suspended. (6): Any person who operates a vehicle in this state while the registration of the vehicle is suspended is guilty of a gross misdemeanor and upon conviction thereof shall be imprisoned for not less than two days nor more than five days and fined not less than one hundred dollars nor more than five hundred dollars.

f. MLI requires the driver to have a motor vehicle insurance identification card for each car he or she owns to enhance insurance business by RCW 46.30.030(1).

> 46.30.03091): Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policyholder with an identification

> card as specified by the department of licensing. At the policyholder's request, the insurer shall provide the policyholder a card **for each vehicle** covered under the policy.

Therefore, the department is enforcing MLI and FR, which cannot be justified under the Constitution.

B. District Court Judges' Orders

1. Bizarre application for leave of the Court, which abridged the right to petition the Government for a redress of grievances.

In the previous case (C07-358MJP on March 9, 2007) challenging the constitutionality of the state acts and the state statutes that authorize state actions, Kim demanded additional judgment as "whether or not the paid fine for the infraction ticket is refunded." This was a mistake. Judge Pechman considered this phrase as **monetary claim**. Kim filed motion for leave to amend in order to take out that phrase. Judge Pechman denied the motion for leave to amend and dismissed the case and imposed sanction pursuant Rule 11 (b) as:

> In order to file any new pleadings, **Plaintiff must make application for leave of the Court**. Such filing shall bear the caption "Application seeking Leave to file." The application shall be supported by a declaration by Plaintiff stating: (1) that the matters asserted in the new complaint have never been raised and disposed of by any court; (2) that the claim or claims are not frivolous and made in bad faith; and (3) that he has conducted a reasonable investigation of the facts and the

> investigation supports his claim or claims. A copy of this order and a copy of the proposed complaint shall be attached to any application. Failure to fully comply with this order will be sufficient grounds for denial of the application and may result in imposition of sanctions pursuant to Fed. R. Civ. P. 11(b). (Please see excerpts of record, tap 4, order on plaintiff's motion for reconsideration and for leave to amend on p. 4).

The denial to amend that phrase, the dismissal of previous case, and the imposition of the sanction clearly went beyond unfairness, and especially the sanction, "application for leave of Court", departed from the range of sanction by Rule 11(c)(2), "directives of a non-monetary nature", because the "application for leave of Court" limits the right to challenge the constitutionality of state acts and statutes. Judge Pechman abused the judicial power, because all previous cases were dismissed under lack of jurisdiction and no case had adjudication on the merits by Rule 41(b). Thus, judge Pechman abridged the right to petition the Government for a redress of grievances, which even Congress cannot make laws abridging the right to petition the Government for a redress of grievances. Thus, judge Pechman abused the judicial power over the Congress.

2. Denied filing complaint by U.S. district court judge

a. Judge shows incompetence unable to distinguish judicial review from suits.

U.S. district court judge Pechman denied the motion for leave to amend in the previous case. Thus, after taking out that part, Kim filed this current complaint with application for leave of the court demanding to review the constitutionality of state statutes and acts, which are still in effect, without claiming any monetary relief. However, U.S. District Court judge Robart denied filing this current case as follows:

> Mr. Kim's application and accompanying complaint represent a seventh (it was a mistake. "Sixth" is right, because C07-358MJP was the case against City of Federal Way) attempt at a **lawsuit against the State** of Washington based on the same underlying facts.

This case is not a lawsuit claiming monetary relief against the State of Washington, but the case is demanding judicial review of the constitutionality of the state acts and the statutes without monetary relief. As long as the controversy over alleged unconstitutional state acts and state laws exist and the state actions are still in effect, this case is not a frivolous case, and there is no mootness. However, judge denied filing this complaint, saying as:

> Because **these claims** fall squarely within the coverage of the vexatious litigant order against Mr. Kim, and this court finds no justification for permitting the relitigation of these issues, the court DENIES Mr. Kim's application to file **his complaint** (App. p. A-3).

A vexatious litigant order is nowhere to be found in judge Pechman's order, and this case is not the relitigation of previously decided case, because, even

though all previous cases had two parts, one part was the part of judicial review; another part was the part claiming monetary relief, all previous cases were dismissed under lack of jurisdiction, **no court ever reviewed the constitutionality of state actions under Eleventh Amendment,** and thus, no case ever had a valid and final judgment. Moreover, Rule 41(b) clearly indicates the dismissal for lack of jurisdiction does not operate as adjudication upon the merits as:

> Rule 41(b): ...*Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, **other than a dismissal for lack of jurisdiction,** for improper venue, or for failure to join a party under Rule 19, **operates as an adjudication upon the merits.***

Eventually, district court judge Robart denied the right to petition the Government for a redress of grievances, by violating Rule 41(b) and by disregarding the Supreme Court case of *Windsor v. McVeigh*, 93 U.S. 274, 277, 280 (1876):

> In *Windsor v. McVeigh,* in 1876, the Court spoke of the right to be heard as a principle which "lies at foundation of all well-ordered systems of jurisprudence" and is "founded in the first principles of natural justice."

b. The difference between previous cases and this current case

Current case: This case is demanding the judicial review of the constitutionality of state acts, which are still in effect, and the statutes that

authorize state acts without any monetary relief. Therefore, all U.S. Courts have the jurisdiction and authority to review all state acts under the Constitution, laws, and treaties of the United States as *in Martin v. Hunter's Lessee,* U.S. Supreme Court case indicates:

> The Court, *in Martin v. Hunter's Lessee* (14 U.S. (1 Wheat.) 304, 4L.ED. 97 (1816)), speaking through Justice Story, reversed the Virginia Court of Appeals and ruled that it had the jurisdiction and authority to review all state acts under the Constitution, laws, treaties of the United States. Though Virginia argued that, as a sovereign, it could not be restricted by rulings of the U.S. Supreme Court, Story decided that, when the people set up the central government, they chose to limit state sovereignty by establishing a Constitution that specifically restricted state acts in a variety of ways.

In *Cooper v. Aaron* (358 U.S. 1 (1958)), the Supreme Court reaffirmed federal courts also have the authority to review the constitutionality of state laws and the actions of state officials.

> In *Cohens v. Virginia,* (19 U.S. 264, 386-387 (1821)), the Supreme Court reviewed the case of the violation of state law. The Court thus declared that criminal defendants could see Supreme Court review when they claimed that their conviction violated the Constitution. Additionally, the Supreme Court held that **the Eleventh did not bar Supreme Court** appellate review of cases involving the state

as a party because such review did not constitute a "suit" against the state.

Therefore, all U.S. Courts did not have jurisdiction and authority to review state acts under Eleventh Amendment, because all previous cases were the suits claiming monetary relief against State of Washington, thus, no court ever reviewed the constitutionality of state acts and the statutes as follows:

Previous suit 5, Kim v. the department of licensing (No. C07-358MJP) filed on March 9, 2007. Judge Pechman dismissed this case under lack of jurisdiction.

Old suit 4, Kim v. State and Director of licensing department (No. C05-0477RSM). Filed on March 25, 2005, challenging the constitutionality of the state action and **claiming monetary relief of $20,750,925.40.** The court dismissed this case under lack of jurisdiction.

Old suit 3, Kim v. Director of the department (No. C04-2244C) filed on November 22, 2004, challenging the constitutionality of the state acts and the state statutes and **claiming monetary relief of $9,420,925.40.** This case was dismissed under lack of jurisdiction.

Old suit 2, Kim v. state (State Court No. 04-2-1000-3 SEA) filed on April 29, 2004, challenging the constitutionality of the state acts and the state statutes in the state court and **claiming monetary relief of $8,920,925.40.** This case was dismissed under lack of jurisdiction.

Old suit 1, Kim v. State (No. C04-0217Z) filed on January 30. 2004, challenging the constitutionality of the state acts and **claiming monetary relief of**

$8,814,190.04. This case was dismissed under lack of jurisdiction.

C. Appeals Court Orders

1. Ninth circuit judges' bizarre doctrine of res judicata

Ninth Circuit judges granted appellee's motion to dismiss on the basis of res judicata without any explanation or reason and denied the motion for reconsideration. Thus, the judges eventually denied the right to file a new complaint by ignoring below key issues:

First, the judges disregarded a well established the definition of res judicata, because a law dictionary explains that doctrine by which "a final judgment by a court of competent jurisdiction is conclusive upon the parties in any subsequent litigation involving the same cause of action." Several textbooks explain that a party asserting res judicata must show that the same cause of action or same claim is involved in both suits, that there was a valid and final judgment on that claim, and that the prior judgment was on the merits. Because all previous cases were dismissed under lack of jurisdiction, none of all previous cases did ever have a valid and final judgment, and Rule 41(b) clearly defines that the dismissed cases are not upon the merits. Thus, the granted motion to dismiss on the basis of res judicata shows a square peg in a round hole in this case, by violating Rule 41(b).

Second, there is no mootness, because the suspensions are still in effect, and the controversy over the alleged unconstitutional state actions and

statutes exists. Thus, the judges disregarded the core claim of this case.

Third, this case is not a frivolous case, because a U.S. citizen's privilege has been being suspended for nine years on money matter and the state actions still in effect, and 47 states are enforcing the similar statutes, which violate commerce clause. Thus, the judges disregarded important underlying legal issues this case has and eventually, at the position of Appeals Court judges, they disregarded the Supreme Court Decision, *Windsor v. McVeigh*, *Martin v. Hunter's Lessee*, *Cooper v. Aaron*, and *Cohens v. Virginia*, which stated above.

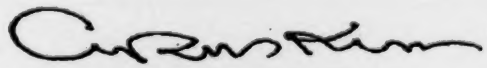
IV. NO ORAL ARGUMENT

This case requires just interpretation of state actions, statutes, Rule 41(b) under cited Supreme Court cases. Thus, oral argument is not needed.

V. CONCLUSION

Petitioner Kim prays that this petition for a writ of certiorari must be granted, because the hardship from suspensions is too much to bear and live. Kim bore nine years. Now, Kim cannot bear the more.

Respectfully submitted on April 15, 2008.



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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 07 – 35653

CYRUS Y. KIM,
Plaintiff – Appellant,
v.
STATE OF WASHINGTON
DEPARTMENT OF LICENSING,
Defendant – Appellee.

ORDER

Before: GOODWIN, REINHARDT and W.FLETCHER, Circuit Judges.

The motion for reconsideration is denied. See 9th Cir. R. 27-10.

No further filings shall be accepted in this closed case.

****

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 07 – 35653

CYRUS Y. KIM,
Plaintiff – Appellant,
v.
STATE OF WASHINGTON
DEPARTMENT OF LICENSING,
Defendant – Appellee.

ORDER

Before: GOODWIN, REINHARDT and W.FLETCHER, Circuit Judges.

Appellee's motion to dismiss this appeal on the basis of res judicata is granted.

DISMISSED

****

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NO. C07 – 658JLR

CYRUS Y. KIM,
Plaintiff,
v.
DEPARTMENT OF LICENSING OF WASHINGTON STATE,
Defendant.

ORDER

Before the court is Plaintiff Cyrus Y. Kim's application for leave to file his complaint (Dkt. #2) and a motion to expedite (Dkt. #6). The court has reviewed Mr. Kim's application, the attached complaint, and the court's standing vexatious litigant order regarding Mr. Kim, as well as the complaints he filed in prior lawsuits against Defendant Washington State Department of Licensing. For the reasons stated below, the court

DENIES Mr. Kim's application (Dkt. #2), and DENIES as moot Mr. Kim's motion to expedite (Dkt. #6).

Mr. Kim's application and accompanying complaint represent a seventh attempt at a lawsuit against the State of Washington based on the same underlying facts. Mr. Kim filed five previous lawsuits in this court (Nos. C04-217TSZ, C04-2244JCC, C05-477RSM, C06-1516MJP, and C07358MJP), and one lawsuit in the Washington State Superior Court (No. 04-2-10000-3SEA), relating to Defendant's decision to suspend Mr. Kim's driver's license. Given that Mr. Kim has repeatedly filed suit alleging the same underlying facts against the same defendants, requiring defendants to continually bear the costs of answering Mr. Kim's complaints, this court said "enough is enough." In April 2007, the Honorable Marsha J, Pechman, after notice and an opportunity to be heard, issued a vexatious litigant order against Mr. Kim in Kim v. Dept. of Licensing of Washington State, Civ. No. 06-1516MJP (April 20, 2007) (Dkt. #25). Pursuant to the vexatious litigant order, Mr. Kim is enjoined from filing any further complaints relitigating matters previously decided. Specifically, Mr. Kim is enjoined from filing complaints, without first obtaining leave of the court, against the State of Washington and the Washington State Department of Licensing for claims:

> Arising out of, or resulting from, the suspension of [Mr. Kim's] driver license; challenging the constitutionality of Washington's Financial Responsibility Law, RCW 46.29, Mandatory Liability Insurance Law, RCW 46.30; or challenging the disposition of previous traffic

infractions issued under RCW 46.63.

Id. at 4.

In the instant case, Mr. Kim seeks to sue the Washington State Department of Licensing. Compl. at 1. Similar to his previous lawsuits, Mr. Kim grounds his claims in the unconstitutionality of Washington's Mandatory Liability Insurance, RCW §46.30 and the Financial Responsibility Law, RCW §46.29. Because these claims fall squarely within the coverage of the vexatious litigant order against Mr. Kim, and this court finds no justification for permitting the relitigation of these issues, the court DENIES Mr. Kim's application to file his complaint (Dkt. #2). The court also DENIES Mr. Kim's motion to expedite (Dkt. 6) as moot.

This case is hereby closed.

Dated this 6th day of August, 2007.

S/JAMES L. ROBART
United States District Judge

****

FIRST SUSPENSION OF DRIVER'S LICENSE

STATE OF WASHINGTON
DEPARTMENT OF LICENSING
P.O. BOX 9029, Olympia, WA 98507-9029

April 5, 1999

KIM, CYRUS YOO FR ORDER OF SUSPENSION

1807 S. 308th CT 11 License #:
KIM**CY602c5
FEDERAL WAY, WA 98003 Security Req.
$5,487.00
FR Case No:
9709260060

We have received information that indicates that you were the uninsured driver of a vehicle involved in an accident on September 26, 1997. There appears to be a reasonable possibility that a civil judgment may be entered against you.

Your driving privilege, and vehicle license plate, KSG200, will be suspended on June 4, 1999 at 12:01 a.m. as required by the provisions of the Financial Responsibility Law, RCW 46.29. You may avoid this suspension by sending verification of one or more of the following items to the address listed in this letter.

1. Proof that liability insurance was in effect for the involved vehicle at the time of this accident. Proof can be a letter from your insurance company, a copy of your insurance card, or a letter from you that includes the insurance company name, policy number, dates of coverage and vehicle description.
2. A notarized statement from all persons shown on the enclosed contact list releasing you from claims from this accident.
3. A copy of a written agreement, with all persons seeking reimbursement, that includes the settlement amount and signatures of all persons making the agreement. The enclosed Contact List indicates the parties seeking reimbursement.

4. Proof that security has been deposited in the amount shown at the top of this letter and proof of financial responsibility for the future. Forms are available by calling or writing this office.
5. A certified copy of a civil court decision showing you not liable for claims from this accident.

If the suspension goes into effect, you must surrender your driver's license to this Department. Do not drive until we notify that your driving privilege has been reinstated. You will be required to pay a reissue fee before you can obtain a driver's license.

If you feel that you are entitled to an exception of complying with the Financial Responsibility Law, complete and return the enclosed Notice of Right to Review or Interview postmarked by April 25, 1999.

If you have questions, contact Customer Service at (360) 902-3900, or write to Accident Processing, PO BOX 9029, Olympia, WA 98507-9029. Please include your driver's license number, full name, and date of birth in all correspondence.

Accident Processing Unit
Driver Responsibility

CASE NUMBER: 9709260060
CONTACT LIST

1. Property Owners:
JURCA, PETER

Insurance Company:
PROGRESSIVE
P O BOX 1418
RANCHO CORDOVA, CA 95741 – 1418
800-260-3540
CLM#: 970696247

STATE OF WASHINGTON
Department of Licensing

NOTICE

Under Washington State law, if you are arrested for driving while your license or driving privilege is suspended or revoked, your vehicle may be impounded for up to ninety days.
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SECOND SUSPENSION OF DRIVER'S LICENSE

STATE OF WASHINGTON
DEPARTMENT OF LICENSING
P.O. BOX 9029, Olympia, WA 98507-9029

January 10, 2001

KIM, CYRUS YOO JD ORDER OF SUSPENSION
1807 S. 308th CT 11 License #: KIM**CY602c5
Federal Way, WA 98003 Date of Birth: 02-25-1940 M
Item: 28413

We have received information indicating an unsatisfied civil court judgment has been entered against you in Kent Regional Justice Sup Ct, cause number 98-2-11991-8, as a result of a vehicle accident on September 26, 1997.
Your Washington driving privilege will be suspended on February 9, 2001 at 12:01 a.m. as required by the provisions of the Financial Responsibility Law, RCW 46.29. You may avoid this suspension by sending verification of one of the following methods:

1. A court-certified abstract showing you have paid the judgment in full.
2. A court-certified abstract showing you have entered into an agreement to make payments.

To make arrangements to satisfy the judgment please contact:

ATTORNEY
JAMES M KRISTOF
7525 SE 24th ST, STE 360
MERCER ISLAND, WA 98040
206-275-0770

PLAINTIFF
PROGRESSIVE

If the suspension goes into effect, you must surrender your driver's license to this Department. Do not drive until we notify you that your driving privilege has been reinstated. You will be required to file proof of financial responsibility for the future, and pay a reissue fee before you can obtain a driver's license.

If you have questions, contact Customer Service at (360) 902-3900, or write to Accident Processing, PO BOX 9029, Olympia, WA 98507-9029. Please include your driver's license number, full name, and date of birth in all correspondence.

Accident Processing Unit
Driver Responsibility

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THIRD SUSPENSION OF DRIVER'S LICENSE

STATE OF WASHINGTON
DEPARTMENT OF LICENSING
P.O. BOX 9029, Olympia, WA 98507-9029

January 11, 2005

KIM, CYRUS YOO APJ ORDER OF SUSPENSION
1807 S. 308th CT 11 License #: KIM**CY602c5
FEDERAL WAY, WA 98003 DOB: 02-25-1940 M
Item: 28413

We have received information indicating an unsatisfied civil court judgment has been entered against you in Kent Regional Justice Sup Ct, cause number 98-2-11991-8, as a result of a vehicle accident on September 26, 1997.

Your Washington driving privilege will be suspended on February 10, 2005 at 12:01 a.m. as required by the provisions of the Financial Responsibility Law, RCW 46.29. You may avoid this suspension by sending verification of one of the following methods:

1. A court-certified abstract showing you have paid the judgment in full.
2. A court-certified abstract showing you have entered into an agreement to make payments.

To make arrangements to satisfy the judgment please contact:

ATTORNEY
JAMES M KRISTOF
7525 SE 24th ST, STE 360
MERCER ISLAND, WA 98040
206-275-0770

PLAINTIFF
PROGRESSIVE

If the suspension goes into effect, you must surrender your driver's license to this Department. Do not drive until we notify you that your driving privilege has

been reinstated. You will be required to file proof of financial responsibility for future, and pay a reissue fee before you can obtain a driver's license.
If you have questions, contact our Customer Service Unit at (360) 902-3900, or write to Accident Processing, PO BOX 9029, Olympia, WA 98507-9029; or visit our website at www.dol.wa.gov.

Accident Processing Unit
Driver Responsibility